

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MISSION ADVISORS LP,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

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SA-19-CV-01029-XR

ORDER

Before the Court is Defendant's Motion to Compel Discovery Responses [#22], which was referred to the undersigned. The Court held a telephonic hearing on the motion on May 20, 2021, at which the parties appeared through counsel. In its motion, Defendant requests that the Court compel Plaintiff to supplement or amend Plaintiff's answers to six of the nine interrogatories served by Defendant. The Court ordered the parties to confer and attempt to narrow or resolve their dispute. They did so, and the parties filed advisories [#24, #25] indicating that prior to the hearing, Plaintiff had supplemented its answers to the interrogatories, and the parties had narrowed their dispute.

At the hearing, Defendant argued that Plaintiff should be compelled to further amend and supplement its supplemental answers for the following reasons. For Interrogatory No. 1, Defendant requests that Plaintiff provide a more specific date that Myriam McGinnis's illness "drastically worsened," as alleged in ¶ 6 of the Complaint. For Interrogatories Nos. 1, 6, 7, and 8, Defendant requests that Plaintiff amend the declaration signed by Dana McGinnis to specify that he signed in his capacity as an officer or agent of Plaintiff. Lastly, for Interrogatory No. 8,

Defendant requests that Plaintiff be compelled to provide an answer to the specific question instead of referring to the answer for Interrogatory No. 6.

After considering the motion, the Joint Status Report [#24], Defendant's Notice to Proceed with Motion to Compel Hearing [#25], the relevant law, the arguments of counsel at the hearing, and the case file as whole, for the reasons stated on the record during the hearing, the Court now confirms its oral ruling with the following written Order:

IT IS ORDERED THAT Defendant's Motion to Compel Discovery Responses [#22] is **GRANTED IN PART** and that within ten days of this Order: (1) Plaintiff must file an amended declaration indicating that Dana McGinnis answered the interrogatories in his capacity as an officer or agent of Plaintiff pursuant to Fed. R. Civ. P. 33(b)(1)(B); and (2) that Plaintiff supplement the answer to Interrogatory No. 1 with information about when Myriam McGinnis began traveling to the Mayo Clinic in Phoenix, Arizona for cancer treatments. Any further requested relief not expressly granted herein is **DENIED**.

IT IS SO ORDERED.

SIGNED this 20th day of May, 2021.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE